

MELINDA HAAG (CABN 132612)
United States Attorney

MIRANDA KANE (CABN 150630)
Chief, Criminal Division

HARTLEY M. K. WEST (CABN 191609)
Assistant United States Attorney
450 Golden Gate Ave., Box 36055
San Francisco, California 94102
Telephone: (415) 436-7200
Fax: (415) 436-7234
E-Mail: hartley.west@usdoj.gov

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,)	No. CR 11-0529-1 SBA
)	
Plaintiff,)	STIPULATION TO CALENDAR
)	CHANGE OF PLEA OR TO REFER CASE
v.)	TO MAGISTRATE JUDGE WESTMORE
)	FOR CHANGE OF PLEA; ORDER
NORMAN WIELSCH,)	
)	
Defendants)	
)	

The United States, by and through its counsel, Assistant U.S. Attorney Hartley West, and defendant Norman Wielsch, by and through his counsel Michael Cardoza, hereby request and stipulate that this case be calendared for change of plea before the Honorable Saundra Brown Armstrong on Wednesday, December 5, 2012. The final plea agreement has been approved by the U.S. Attorney's Office today and is submitted to the Court concurrently with the filing of this stipulation.

In the event that the Court is not available on December 5, the parties jointly request that the matter be referred to the duty Magistrate Judge, the Honorable Kandis A. Westmore, for a change of plea on Wednesday, December 5, 2012. *See United States v. Reyna-Tapia*, 328 F.3d 1114, 1122 (9th Cir. 2003) (“[D]istrict courts may delegate Federal Rule of Criminal Procedure

STIP. TO CALENDAR CHANGE OF PLEA OR TO REFER CASE
TO MAG. JUDGE FOR CHANGE OF PLEA; [PROPOSED] ORDER
CR 11-0529-1 SBA

11 plea colloquy duties in felony cases to magistrate judges with defendants' consent as part of the 'additional duties' that magistrate judges may perform pursuant to 28 U.S.C. § 636(b)(3), and that district courts need not conduct de novo review of Rule 11 plea colloquies in felony cases conducted by magistrate judges with defendants' consent where no objections are filed."). The parties agree that defendant Wielsch shall *not* be sentenced by a Magistrate Judge, but shall instead be sentenced by this Court. A Proposed Order is attached, in the event the Court decides to refer the matter to Judge Westmore.

DATED: November 30, 2012

Respectfully submitted,

MELINDA HAAG
United States Attorney

/s/
HARTLEY M. K. WEST
Assistant United States Attorney

/s/
MICHAEL CARDOZA
The Cardoza Law Offices
Counsel for defendant Norman Wielsch

ORDER

Pursuant to the parties' stipulation and consent, and pursuant to its authority under 28 U.S.C. § 636(b)(3), the Court hereby refers the case of *United States v. Christopher Wielsch* (CR 11-0529-1 SBA) to U.S. Magistrate Judge Kandis A. Westmore for change of plea to occur on Wednesday, December 5, 2012, and hereby delegates to Judge Westmore the plea colloquy duties under Federal Rule of Criminal Procedure 11. The Court does not, however, delegate its sentencing authority; the case shall be sentenced by this Court.

IT IS SO ORDERED.

DATED: 11/30/12


HON. SAUNDRA BROWN ARMSTRONG
U.S. DISTRICT COURT JUDGE